

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARNELL DUNLAP,

Plaintiff,

Case No. 18-cv-10342
Hon. Matthew F. Leitman

v.

MICHIGAN DEPARTMENT
OF CORRECTIONS,

Defendant.

**ORDER SUMMARILY DISMISSING THE
COMPLAINT WITHOUT PREJUDICE**

This matter came before the Court on plaintiff Darnell Dunlap's *pro se* civil rights complaint. Dunlap is a state prisoner at the Chippewa Correctional Facility in Kincheloe, Michigan. His complaint seeks an investigation into the conditions of confinement at the Chippewa Facility. *See* Compl., ECF #1.

Dunlap filed his Complaint on January 29, 2018, without prepaying the filing fee or applying for permission to proceed without prepayment of the fees and costs for this action. On February 1, 2018, the Court ordered Dunlap to prepay the \$350.00 filing fee, plus an administrative fee of \$50.00, or to apply in the proper manner for leave to proceed without prepayment of the fees and costs. *See* Order to Correct Deficiency, ECF #2. On February 26, 2018, the Court received

Dunlap's response to the Court's order. *See* Letter, ECF #4. Although the letter is somewhat difficult to read, Dunlap appears to be saying that he does not wish to pursue his complaint against the Michigan Department of Corrections because he cannot afford to pay the filing fee and does not wish to incur more debt. He also appears to be saying that he did not receive a fair hearing in his state criminal case and that he does not want \$400 deducted from his prison trust fund account until reconsideration is granted in his federal habeas corpus case, which was decided by another judge in this District. *See id.*

The Court construes Dunlap's response to the Court's deficiency order as a voluntary dismissal. The Court may dismiss an action at the plaintiff's request "on terms that the court considers proper," and the dismissal ordinarily is without prejudice. Fed. R. Civ. P. 41(a)(2).

At Dunlap's request, and in the interest of justice, the Court summarily dismisses the Complaint without prejudice. This case is hereby closed.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 28, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 28, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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